

III. REMARKS

Claims 1-5, 7-10, 12-20, 22 and 23 are pending in this application. By this amendment, claims 1, 9, and 16 have been amended.

Applicants are not conceding in this application that those claims are not patentable over the art cited by the Office, as the present claim amendments are only for facilitating expeditious prosecution of the allowable subject matter noted by the Office. Applicants do not acquiesce in the correctness of the rejections and reserve the right to present specific arguments regarding any rejected claims not specifically addressed. Further, Applicants reserve the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the following remarks is respectfully requested.

In the Office Action, the Office rejects claims 1-5, 7-8, 9-10, 12-15, 16-20 and 22-23 under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter.

Further, the Office rejects claims 1-4, 7-8, 16-19, and 22-23 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Burton (US Patent Pub. No. 2002/0055878), hereafter “Burton,” in view of Klatt (US Patent No. 6,415,277), hereafter “Klatt.”

Further, the Office alternatively rejects claims 1-4, 7-8, 16-19, and 22-23 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Burton in view of Klatt and further in view of McFeely (US Patent Pub. No. 2002/0184237), hereafter “McFeely.”

Further, the Office rejects claims 5, 9-10, 12-15, and 20 under 35 U.S.C. §103(a) as allegedly being unpatentable over Burton and Klatt in further view of Joseph (US Patent No.

6,606,603), hereafter “Joseph.” Claim 9 is alternatively rejected under 35 U.S.C. 103(a) as being unpatentable over Burton and Klatt in further view of Joseph and in further view of McFeely.

With regard to the 35 USC 101 rejections of claims 1-5, 7-8, 9-10, 12-15 and 16-20, and 22-23, Applicants have herein claim 1 to include “at least one computer device” as part of the system. Accordingly, Applicants respectfully request withdrawal of the rejection of claim 1, as well as claims 2-5 and 7-8 which were rejected as depending therefrom. Regarding claim 9, Applicants have amended the claim to clearly indicate the method is a computer-implemented method and have tied it to a particular machine. Accordingly, Applicants respectfully request withdrawal of the rejection of claim 9, as well as claims 10 and 12-15 which were rejected as depending therefrom. With regard to claim 16, Applicants have amended the claim to include the feature of “non-transitory computer readable medium” as suggested by the Examiner. To this extent, Applicants understand the claim phrase ‘non-transitory computer readable medium’ to include all tangible mediums of expression, including non-volatile and volatile memory such as RAM. Accordingly, Applicants believe claim 16 falls within a statutory class, as well as claims 17-20 and 22-23 which were rejected as depending therefrom. Applicants respectfully request that the Office withdraw the rejection of independent claims 1, 9 and 16, as well as 2-4, 7-8, 10, 12-15, 17-20 and 22-23, which depend therefrom as allegedly failing to comply with the written description requirement.

With regard to the 35 USC 103(a) rejections, Applicants assert that the cited combinations fails to teach or suggest each and every feature of the claimed invention. For example, with respect to independent claim 1, Applicants submit that the cited references, either Burton in view of Klatt, or alternatively further in view of McFeely, fail to teach or suggest the

feature of “a queue system for inserting any failed system-initiated item requests into a failed request queue in response to processing of the system-initiated item request failing due to an error.” For instance, the cited combination fails to teach or suggest the failed request queue as currently amended for clarification. The queue system inserts system-initiated item requests into the failed request queue in response to the system-initiated request failing due to an error in processing.

In contrast, Burton teaches a list of orders as shown in Burton’s Figures 81 and 86, as well as paragraph 0456, Lines 1-5 and 17-20, as quoted by the Office on Page 4 of the Final Office Action. However, Burton’s list is defined in the cited portions as a list of attention items used to display information regarding one or more user orders that may or may not be problematic. In a deeper analysis of Burton, these attention items are clearly not equivalent to system-initiated item requests being inserted into a failed request queue in response to an error in processing. Rather, Burton’s list is described as ‘information and features that an administrative user may use... in a customer service role to help users with orders.’ (Burton, Para. 455). There is no indication of processing requests or the requests failing and being placed into a failed request queue in response thereto. Further, in the last portion of Burton’s Para. 456 cited by the Office, the Attention Items are described as including the number of orders needing attention, age of the oldest order needing attention, number of orders not needing attention, and the number of orders being worked on. Applicants assert that this is clearly not equivalent to the failed request queue of the instant application, and further that this is a very vague definition of ‘needing attention’ from a customer service context, especially in light of Burton’s disclosure of helping

users with orders. It is unclear if these orders failed due to an error in processing, and there is no reference to a failed order in the entire disclosure of Burton.

With further regard to independent claim 1, the disclosure of Klatt fails to remedy this deficiency. For instance, newly cited McFeely fails to remedy this deficiency of Burton and Klatt. Also, the cited portions of McFeely are unrelated to the instant application. Although tabbed views are described, the alerts referenced in Paragraph 62 are simply user created alerts notifying a user when a specified stock has risen above or below a certain specified price. McFeely is not related art as these are not related to system-initiated item requests, and the alerts are notifications saved by a user, not a failed request.

Accordingly, Burton fails to teach or suggest each and every feature of Applicants' independent claim 1 whether viewed individually or in view of Klatt, as well as McFeely. Applicants respectfully request that the Office withdraw the 103(a) rejection of claim 1, and claims 2-5 and 7-8, which depend therefrom.

With regard to the 35 USC 103(a) rejection of claim 9, Applicants assert that the cited combination fails to teach or suggest each and every feature of the claimed invention. For example, Applicants submit that, for at least the reasons given above, the cited references fail to teach or suggest the feature of "inserting, on the computer device, the system-initiated item request into a failed request queue in response to the processing of the system-initiated item request failing due to an error in the processing." Accordingly, Applicants respectfully request that the Office withdraw its rejection of claim 9, and claims 10 and 12-15 which depend therefrom.

With further respect to independent claim 9, as well as dependent claims 5 and 20, Applicants continue to respectfully submit that the cited references also fail to teach or suggest wherein the system-initiated item requests are processed differently from user-initiated item requests, and processed in batches with other system-initiated item requests. The Office states that batch processing is old and well known in the art. Applicants continue to respectfully object to the Office's use of what amounts to Official Notice by stating that such use of batch processing is obvious to one skilled in the art as asserted by the Office. Rather, especially in this context, batch processing of the system-initiated item requests is not obvious. This batch processing is a specific advantage of an embodiment of the current invention and is not so much as vaguely referenced in either of the references cited. Furthermore, neither of the references cited by the Office teaches processing user initiated item requests differently from system initiated requests, the system initiated requests being processed in a batch mode. Instead, the Office states that since the orders of Burton and Klatt are different, they are processed differently. As stated on Page 15 of the Final Office Action, an order for pizza and an order for a flyer are processed differently. However, this fails to teach or suggest batch processing system-initiated requests and not user-initiated requests. Applicants assert that the rejection fails to consider the claim as a whole.

Further, the Office provides Joseph, Col. 7, Lines 4-11 (U.S. Patent No. 6,606,603) as some evidence of batch processing system initiated requests. (Final Office Action, Page 15). However, Applicants note that the orders of Joseph are user initiated, not system initiated. Joseph discloses that the orders being processed and routed are "from Ariba ORMS buyers 112" and routed to "appropriate suppliers 114 using the Internet." (Joseph, Col. 6, Lines 59-60).

Further, Joseph describes that “the Ariba ORMS provides a user access to catalogs that are stored on the user’s own intranet system” at Col. 2, Lines 15-16. Thus, the processing of system-initiated requests in a batch mode in the context of the current claim is not old and well known in the art. Further, the process described in Joseph states that a “system inserts orders as they arrive into a relational data store and places them into one or more queues also maintained in a relational data store.” (Joseph, Col. 7, Lines 4-5). Further, that several processes can run in parallel, each processing orders from one or more queues. Lastly, “[a]s the result of being processed via a queue by one of the processes, an order can get inserted into one or more other queues for further handling by other processes.” (Joseph, Col. 7, Lines 10-13). Applicants assert that this is a very vague description of the processing of multiple queues of user initiated orders by multiple processes, and does not teach processing in a batch mode. It is unclear why the processing of Joseph would apply to one of Burton or Klatt and not the other. Accordingly, Applicants request that the rejection of independent claim 9, as well as the rejection of dependent claims 5 and 20 be withdrawn.

With regard to the 35 USC 103(a) rejection of claim 16, Applicants assert that the cited combination fails to teach or suggest each and every feature of the claimed invention. For example, Applicants submit that, for at least the reasons given above, the cited references fail to teach or suggest the feature of “program code for inserting any failed system-initiated item requests into a failed request queue in response to processing of the system-initiated item request failing due to an error.” Accordingly, Applicants respectfully request that the Office withdraw its rejection of claim 16, and claims 17-20 and 22-23 which depend therefrom.

With respect to dependent claims, Applicants herein incorporate the arguments presented above with respect to the independent claims from which the claims depend. Furthermore, Applicants submit that all dependent claims are allowable based on their own distinct features. Since the cited art does not teach each and every feature of the claimed invention, Applicants respectfully request withdrawal of this rejection.

In addition to the above arguments, Applicants submit that each of the pending claims is patentable for one or more additional unique features. To this extent, Applicants do not acquiesce to the Office's interpretation of the claimed subject matter or the references used in rejecting the claimed subject matter. Additionally, Applicants do not acquiesce to the Office's combinations and modifications of the various references or the motives cited for such combinations and modifications. These features and the appropriateness of the Office's combinations and modifications have not been separately addressed herein for brevity. However, Applicants reserve the right to present such arguments in a later response should one be necessary.

In light of the above, Applicants respectfully submit that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the number listed below.

Respectfully submitted,

/John LaBatt/

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